

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA

v.

SENTENCING MINUTES

RICKI A. MAHKIMETAS, JR.

Case No. 17-CR-224

HONORABLE WILLIAM C. GRIESBACH presiding
Proceeding Held: August 22, 2018
Deputy Clerk: Lori

Time Called: 1:32 pm
Time Concluded: 3:03 pm
Tape: 082218

Appearances:

UNITED STATES OF AMERICA by:	Andrew J. Maier
RICKI A. MAHKIMETAS, JR., in person and by:	Thomas G. Wilmouth
US PROBATION OFFICE by:	Brian Koehler
INTERPRETER: None	<input type="checkbox"/> Interpreter Sworn

- | | |
|---|---|
| <input type="checkbox"/> The parties have no objections to the factual statements in the PSR | <input checked="" type="checkbox"/> The parties have no objections to the application of the guidelines in the PSR |
| <input checked="" type="checkbox"/> Objections/corrections to factual statements in PSR by <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant objects to information alleging pattern of prohibited sexual conduct which would apply a 5-level enhancement for second conduct act based upon preponderance of the evidence. | <input type="checkbox"/> Objections/corrections to application of guidelines by <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant |
| <input checked="" type="checkbox"/> The court adopts the factual statements and guideline application as set forth in the PSR
(Objection OVERRULED) | <input type="checkbox"/> The court adopts the factual statements and guideline application with these changes: |

- | | |
|---|--|
| <input checked="" type="checkbox"/> The government presents sentencing argument: guideline range sentence, 25 years with lengthy term of SR | <input checked="" type="checkbox"/> The defendant presents sentencing argument: 15 yr, 10 yr SR, placement in Mental health facility, Sex offender treatment, BOP 500 drug treatment |
| <input checked="" type="checkbox"/> Defendant exercises right of allocution. | <input checked="" type="checkbox"/> The court imposes sentence. |
| <input checked="" type="checkbox"/> The government dismisses remaining counts. | <input checked="" type="checkbox"/> Defendant advised of appeal rights. |

Mr. Wilmouth presents the Court with a copy of the transcript from 12/21/17 for review as to a preponderance of the evidence as to his objection noted above. Lloyd Franklin makes statement. Gerald Doxtator makes statement. The Court OVERRULES defendant's objection and finds this meets the definition of a pattern of activity involving prohibited sexual contact so the enhancement would apply as well as the other enhancements. *After the hearing, upon request of the parties, the Court incorporates the US Dept. of Justice FBI Draft Transcript of 12/21/17 of the recorded interview-CD #2 (participants Rikki Mahkimetas, Jr., SA Sarah Deamron, MTPD Todd Otradovec as part of the record. The Draft Transcript will be marked as **Exhibit 1000**.

SENTENCE IMPOSED:

Imprisonment: 200 Months as to Count(s) 1ss of the Information.
 Months as to Count(s) of the .

Imprisonment term for each count to be served ☐ concurrently ☐ consecutively.

TOTAL TERM OF IMPRISONMENT IMPOSED: 200 months.

☐ This term of imprisonment is to be served (☐ concurrently with or ☐ consecutively to) any state court sentence the defendant is currently serving.

Probation: Years as to Count(s) of the .

Supervised Release: 20 Years as to Count(s) 1ss of the Information.
 Years as to Count(s) of the .

MONETARY PENALTIES

Special Assessment: \$ 100.00 due immediately

Fine: \$ ☒ fine waived

Restitution: \$ ☐ determination deferred

JOINT AND SEVERAL PAYMENTS

☐ Fine and/or ☐ Restitution is **joint and several** with .

☐ Repayment of Buy Money is **joint and several** with .

FORFEITURE

☒ All property forfeited upon conviction or by order of the court shall be included in the criminal judgment.

RECOMMENDATIONS

☒ The court recommends the defendant's placement at a Bureau of Prison mental health facility such as FMC Carswell or FMC Devens.

☒ The court recommends the defendant's participation in the Bureau of Prisons' 500-hour drug treatment program.

☒ Other: The court recommends enrollment in the Bureau of Prisons' sex offender treatment program, a mental health assessment and mental health treatment while in custody.

CUSTODY

☒ The defendant is remanded to the custody of the U.S. Marshal Service.

☐ The defendant is to voluntarily surrender at the institution designated by the Bureau of Prisons as notified by the U.S. Probation Office; ☐ on or after .

CONDITIONS OF SUPERVISED RELEASE/PROBATION

- ☒ **Mandatory Conditions of Supervision** imposed.
- ☒ The Court adopts the **Standard Conditions of Supervision** set forth in the presentence investigation report without change.
- ☐ The Court adopts the **Standard Conditions of Supervision** set forth in the presentence investigation report with the following changes:
- ☒ The Court adopts the **Special Conditions of Supervision** set forth in the presentence investigation report without change.
- ☐ The Court adopts the **Special Conditions of Supervision** set forth in the presentence investigation report with the following changes:

The Court adopts the conditions and the rationale for the conditions as set forth in the presentence investigation report.